Remarks

Status of the Claims

Claims 1-3, 5-7, 9-15, 17-19, 21-26, 28-39, 41-42, 52-53, 55-56, 58-59, 61 and 79-98 were pending in the application and stand rejected. By this paper, claims 1, 9, 13, 21, 25, 26, 31, 35, 79, 82 and 85 have been amended, and claims 36-39, 41-42, 52-53, 55-56, 58-59, 61-64, 80-81, 83-84 and 86-98 have been canceled herein without prejudice or disclaimer. For the reasons set forth below, Applicant submits that each of the pending claims is patentably distinct from the cited prior art and in condition for allowance. Reconsideration of the claims is therefore respectfully requested.

Claim Rejections Under 35 U.S.C. §§ 102 and 103

Claims 1-3, 5-7, 9-15, 17-19, 21-26, 28-34, 61, 80, 83 and 86 stand rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by U.S. Patent No. 5,801,747 issued to Bedard ("Bedard"); claims 36-39, 41-42, 52-53, 55-56, 58-59 and 90-98 stand rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by U.S. Patent Application No. 2002/0104081 by Candelore et al. ("Candelore"); claim 35 stands rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Bedard in view of U.S. Patent No. 6,177,931 issued to Alexander et al. ("Alexander"); claims 79, 82 and 85 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Bedard in view of U.S. Patent No. 7,152,236 issued to Wugofski et al. ("Wugofski"); claims 81, 84 and 87 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Bedard in view of Candelore; and claims 88-89 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Candelore in view of Bedard.

Claims 36-39, 41-42, 52-53, 55-56, 58-59, 61-64, 80-81, 83-84 and 86-98 have been canceled herein without prejudice or disclaimer, mooting the rejection of these claims. As discussed in detail below, Applicant respectfully traverses the rejection of the pending claims, as amended herein.

1. Bedard does not teach or suggest a favorites table that includes a user-controlled display preference field.

According to pages 2 and 4 of the Final Office Action, "Bedard discloses not only a total viewing unit counter/field 204, but also category and subcategory viewing counters 206. However, Applicant respectfully submits that Bedard's viewer profile array 200 shown in FIG. 2 does not include "a display preference field that comprises ***a user-selected option to define an order*** in which the channel favorites are displayed," as required, among other things, in amended claims 1, 13 and 25. (Emphasis added). Although the Examiner asserts on page 2 of the Final Office Action that "Bedard clearly contains a field that signifies a preference (category or subcategory) for a way in which the channel favorites are displayed," Applicant respectfully submits that the ***viewer profile array 200 itself does not include any field or other indication*** of how the collected information should be displayed (e.g., whether by category or subcategory). Rather, the table entries merely include values collected as a "result of a hypothetical viewer's extended viewing history" (col. 4, lines 27-29)and are unrelated to an actual field with a user selected option.

2. Bedard does not teach or suggest allowing a user to select between at least an order based on a cumulative viewing time per channel and an order based on a number of times each channel is viewed.

According to page 2 of the Final Office Action, "Bedard discloses not only a total viewing unit counter/field 204, but also a category and subcategory viewing counters 206. Therefore, Bedard clearly contains a field that signifies a preference (category or subcategory) for a way in which the channel favorites are displayed." As discussed above, Applicant disagrees that Bedard teaches a field in the channel favorites table that includes a preference for displaying channels. Rather, Bedard merely teaches storing data corresponding to categories or subcategories without an indication of which is to be used.

Further, even if the inclusion of category and subcategory indicates a user preference, which it does not, it still would not teach or suggest allowing a user to select between an order based on cumulative viewing time per channel and an order based on a number of times each channel is viewed. Rather, the only way in which Bedard's

system measures a user's preference for ordering favorite channels is by counting viewing units. Thus, Applicant requests that the rejection based on Bedard be withdrawn.

On page 11 of the Final Office Action, the Examiner asserts that Candelore "discloses updating a channel favorites table..., which comprises a field indicative of cumulative time a channel has been watched (see Table 1) and which further comprises a field indicative of the number of times said channel has been watched." However, Applicant respectfully submits that the Final Office Action does not point to a table that includes two fields, one being a number of times a channel has been watched and the other being a cumulative time the channel has been watched. Further, like Bedard, Candelore does not teach a channel favorites table that actually includes a display preference field that comprises a user-selected option that allows a user to select between at least an order based on a cumulative viewing time per channel and an order based on a number of times each favorite channel is viewed.

3. Bedard does not teach or suggest updating a channel favorites table based on a threshold of ten seconds.

According to page 2 of the Final Office Action, the Examiner interprets "wherein the updating is performed if and only if the calculated time difference is larger than a threshold, wherein the threshold is ten seconds" to read on any threshold equal to or larger than ten seconds. Applicant respectfully disagrees. A person of ordinary skill in the art would recognize that a threshold is a level, point, or value above which something is true or will take place and below which it is not true or will not take place. Thus, Bedard's 1-minute, 5-minute, 10-minute, or 15-minute thresholds are not the same as a ten second threshold. In other words, a 10-second threshold means that the channel favorites table is updated if the calculated time difference is ten seconds, eleven seconds, 12 seconds, etc. This is clearly not true for a 1-minute threshold.

However, to advance prosecution of the present application toward allowance, Applicant has amended claims 9, 21, 31 and 35 to state, among other things, "a threshold that begins at ten seconds." Clearly, a 1-minute threshold does not begin at ten seconds. Thus, Applicant respectfully requests that the rejection based on Bedard be withdrawn.

Conclusion

For at least the foregoing reasons, the cited prior art references, whether considered individually or in combination, fail to disclose each of the limitations in any of the pending independent claims. For at least the same reasons, each of the claims depending therefrom are also patentably distinct from the cited prior art.

In view of the foregoing, all pending claims represent patentable subject matter. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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